

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JASON SMITH,
Plaintiff,

v.

A. TAMAYO, et al.,
Defendants.

Case No. 19-00537 BLF (PR)

**ORDER DENYING MOTION TO
COMPEL AS MOOT; DENYING
MOTION FOR *IN CAMERA*
REVIEW AS UNNECESSARY;
DENYING *EX PARTE* MOTION TO
FILE *SUR-REPLY***

(Docket Nos. 15, 17, 23)

Plaintiff filed a motion to compel interrogatories and admissions from two Defendants, Dkt. No. 15, and a motion for an *in camera* review of redacted discovery documents, Dkt. No. 17. Defendants filed a response, first stating that the motion to compel should be denied as moot since they have since complied with Plaintiff's discovery requests. Dkt. No. 19 at 1-2. Plaintiff has not filed a reply to refute this response from Defendant. Secondly, Defendants explain that the redacted portions of the document at issue contain irrelevant information pertaining to other inmates and that any portions involving Plaintiff were left unredacted. *Id.* at 2. Nevertheless, Defendants state that they are willing to provide the Court with a clean copy should it wish to review the document. *Id.* Defendants' counsel has submitted a declaration in support of their response, stating

that the information in the redacted document only relates to other inmates, and that no information related to Plaintiff was redacted. Dkt. No. 19-1 at 2. Accordingly, the Court finds a review is unnecessary at this time.

For the reasons discussed above, Plaintiff's motion to compel is DENIED as moot. Dkt. No. 15. The motion for an *in camera* review is DENIED as unnecessary. Dkt. No. 17.

Plaintiff has filed an *ex parte* application to file a sur-reply to Defendants' summary judgment. Dkt. No. 23. *Ex parte* motions are governed by the Northern District's Civil Local Rule 7-10, which provides that an *ex parte* motion may only be filed "if a statute, Federal Rule, local rule or Standing Order authorizes the filing" and the "motion must include a citation to the statute, rule or order which permits the use of an *ex parte* motion to obtain the relief sought." Civ. L.R. 7-10. Plaintiff's motion does not comply with Local Rule 7-10 as it contains no citation to any statute, rule or order permitting the filing of his *ex parte* motion. Accordingly, the motion is DENIED for failure to comply with Local Rule 7-10.

This order terminates Docket Nos. 15, 16, and 23.

IT IS SO ORDERED.

Dated: _April 24, 2020_


BETH LABSON FREEMAN
United States District Judge